

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA

v.

SAID ISAAC HERNANDEZ

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CRIMINAL NO. 5:22-cr-1008

FACTUAL STATEMENT IN SUPPORT OF PLEA AGREEMENT

The United States of America, by and through Jennifer Lowery, United States Attorney for the Southern District of Texas and **Michael Makens**, Assistant United States Attorney, and the defendant, **SAID ISAAC HERNANDEZ** and the defendant's counsel, hereby stipulate as follows:

I.

If this case proceeded to trial, the United States of America would prove each element of the offense beyond a reasonable doubt. The following facts, among others, would be offered to establish the Defendant's guilt:

II.

In October 2021 ATF agents were notified the defendant purchased 32 9mm and .380 pistols from multiple Federal Firearms Licensees (FFLs) in the Austin, Texas area between January 24, 2020 and October 4, 2021. Records at the southwest Border Transaction Center showed the defendant wired \$53,000 to people in Mexico between November 27, 2017 and June 10, 2021. Crossing records also indicated the defendant crossed into the U.S. from Mexico on numerous occasions around the same time he purchased the firearms.

On July 10 and 11, 2022, Agents received reports that the defendant was once again purchasing firearms from numerous FFLs around the state of Texas. The reports showed the

defendant purchased firearms from 10 different FFLs in the two-day period. Later that day on July 11, 2022, agents received more reports that the defendant purchased firearms in Buda, Texas, then San Antonio, Texas. Phone pings confirmed the defendant was driving south on Interstate 35 towards the port of entry in Laredo, Texas. A DPS trooper stopped the defendant's vehicle for an obscured license plate at about 8:30 p.m. in Webb County, Texas, while it was traveling south on Interstate 35. As the trooper was stopping the vehicle, a nearby United States Border Patrol Unit parked behind the trooper's unit to provide backup.

The border patrol agent received consent for his service canine to perform a free-air sniff and the canine alerted to the presence of concealed humans or narcotics near the driver's side door. The canine also alerted to the rear quarter panel on the driver's side.

Additional troopers arrived to help search the car and they noticed the car's interior panels in the trunk area were loose and looked to be tampered with. They also noticed a strong odor of marijuana emanating from the car. With these facts in mind, the troopers and border patrol agent decided to escort the vehicle to the border patrol checkpoint located at mile marker 29 to perform an X-ray scan and locate any contraband. An X-ray scan at the checkpoint revealed anomalies in the rear quarter panel of the car. A more extensive search of the quarter panel revealed a total of 17 handguns and multiple spare magazines hidden. The following firearms were found:

<u>FIREARM INFORMATION</u>	<u>FFL WHO SOLD FIREARM</u>	<u>LOCATION</u>	<u>DATE SOLD</u>
TAURUS, G2C, CAL: 9, SN: ADG450360	MKT Tactical	Katy, TX	7/10/2022
TAURUS, G2C, CAL: 9, SN: ADC065579	KATY GUN GEAR	PREMIER GUN SHOW	7/10/2022
TAURUS, G2C, CAL: 9, SN: ACG987191	ELLIS COUNTY FIREARMS INC	PREMIER GUN SHOW	7/10/2022
TAURUS, G2C, CAL: 9, SN: 1C117986	FRANK'S GUNS AND GEAR, LLC	PREMIER GUN SHOW	7/10/2022
TAURUS INTERNATIONAL, TX22, CAL: 22, SN: 1PT516228	FRANK'S GUNS AND GEAR, LLC	PREMIER GUN SHOW	7/10/2022

SMITH & WESSON, M&P BODYGUARD 380, CAL: 380, SN: KEV2227	Range USA	Round Rock, TX	7/11/2022
SMITH & WESSON, M&P 9C, CAL: 9, SN: HNN9301	CABELA'S 412	BUDA, TX	7/11/2022
SMITH & WESSON, M&P 9 SHIELD EZ, CAL: 9, SN: NJW1207	JM FIREARMS	PREMIER GUN SHOW	7/10/2022
SMITH & WESSON, M&P 380 SHIELD EZ, CAL: 380, SN: NMA1054	Reds	Pflugerville, TX	7/11/2022
RUGER, SECURITY-9, CAL: 9, SN: 385- 35949			
	10 West	SAN ANTONIO	7/11/2022
RUGER, LCP, CAL: 380, SN: 379088661	FRANK'S GUNS AND GEAR, LLC	PREMIER GUN SHOW	7/10/2022
RUGER, LCP, CAL: 380, SN: 379084649	CABELA'S 412	BUDA, TX	7/11/2022
RUGER, LCP, CAL: 380, SN: 379076451	Range USA	Round Rock, TX	7/11/2022
RUGER, EC9S, CAL: 9, SN: 461-31612	JM FIREARMS	PREMIER GUN SHOW	7/10/2022
KELTEC, CNC INDUSTRIES, INC., P17, CAL: 22, SN: GDB12	Reds	Pflugerville, TX	7/11/2022
HS PRODUKT (IM METAL), XD MOD. 2, CAL: 9, SN: BA445491	KATY GUN GEAR	PREMIER GUN SHOW	7/10/2022

ATF agents arrived at the checkpoint and interviewed the defendant after he waived his *Miranda* rights. During the interview, the defendant admitted that he had purchased firearms from several FFLs in the Austin area. The defendant confirmed that he had put the address of 10305 Gail Road, Austin Texas, on all the ATF 4473 forms. He admitted he lives in Mexico and does not have a residence in Texas. He stated that when he comes to Texas he stays with friends, relatives, or in hotels. When asked about the address on his driver's license, 10305 Gail Road, he stated that he had not lived in Austin for more than two years. The defendant admitted he had concealed 15-18 firearms in the vehicle because he did not want the police to find them if he was stopped.

He stated he was going to Laredo with the firearms and would contact his cousin in Mexico, Elmer and his cousin would then coordinate for people to meet the defendant at the plaza to transfer

the firearms. The defendant was supposed to be paid at that time. He stated that he would receive about \$50-\$100 profit per firearm and would be paid in cash. He stated he knew that the people he met in Laredo, and whom he sold the firearms to, were not able to legally purchase or receive firearms. He stated his cousin could not legally enter the United States and that his cousin has been previously deported from the United States.

The defendant admitted that he sent pictures of the firearms he recently purchased to his cousin that day. Agents asked the defendant if he was purchasing the firearms for his cousin and he confirmed that they were for his cousin. The defendant further admitted he had previously made two deliveries of firearms concealed in the same manner about a month or two ago; and he delivered 12 firearms for \$5,000 cash and 15 firearms and for \$6,000 cash. He stated that he was certain the firearms were going to Mexico and the firearms would not remain in Laredo.

The defendant admitted he had purchased about 100 firearms in the past five months, and he did not have a license to export firearms from the U.S. into Mexico. About 50 of the firearms he transported to Laredo, and the other 50 he sold to people in Austin. The defendant confirmed he was delivering the firearms he was found with that day to "la Plaza" in Laredo. From records collected by ATF, Agents confirmed that between the dates of January 21, 2022 and July 11, 2022, the defendant purchased 231 handguns. All 231 were pistols of calibers .380, 9mm, and .22 and all were manufactured outside the state of Texas and traveled in interstate or foreign commerce before the defendant bought them..

III.

Defendant, **SAID ISAAC HERNANDEZ**, hereby confesses and judicially admits that between on or about January 1, 2020, and on or about July 11, 2022, the defendant did knowingly conspire and agree with persons known and unknown to the grand jurors to ship, transport, transfer, cause to be transported, and otherwise dispose of one and more firearms, to another

person, in and affecting interstate and foreign commerce, knowing and having reasonable cause to believe that the use, carrying, and possession of a firearm by the recipient would constitute a felony (as defined in section 932(a)), in violation of Title 18, United States Code, Sections 933(a)(1), (a)(3), and (b).



SAID ISAAC HERNANDEZ
Defendant

APPROVED:

JENNIFER B. LOWERY
UNITED STATES ATTORNEY

By:



Michael Makens
Assistant United States Attorney



Attorney for Defendant